UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1998/NGO/30
11 August 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fiftieth session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by Franciscans International a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 August 1998]

GE.98-13609 (E)

Failure of the Government of Brazil to comply with international human rights treaties

Introduction

1. Franciscans International and the Dominicans wish to express their grave concern about the Government of Brazil's non-compliance with international human rights treaties which it has ratified, especially the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In January 1995, Fernando Henrique Cardoso became President of Brazil and swore that he would respect the Constitution of Brazil and all the treaties ratified by the State. Three and a half years later, the Government of Brazil has still not fully complied with these treaties.

2. In December 1997, the Inter-American Commission on Human Rights of the Organization of American States published a report on the human rights situation in Brazil. The 1,667-page report pinpoints the State of Brazil as being responsible for the human rights violations in the country. According to the report Brazil is responsible for the violations because it does not offer the guarantees to its marginalized population which would eliminate the social, political and economic inequalities that prevent them from full participation in society. The present paper will provide examples of non-compliance with treaties and the Universal Declaration of Human Rights taken especially from the situation in the Brazilian countryside.

I. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Article 6 (right to life)

3. The activity of the Brazilian State with respect to protection of the right to life is a far cry from acceptable norms. During President Cardoso's tenure alone, 132 rural workers who were involved in land disputes were assassinated. During this administration the worst massacres in Brazil's recent history have been recorded. On 9 August 1995, in Corumbiara, Rondonia State, 11 persons were assassinated by the Military Police during an operation authorized by the judge of Colorado do Oeste County, Mr. Clodner Luiz Paalleto. On 17 April 1996, in Eldorado dos Carajás, Pará State, 19 people were assassinated by the Military Police in one operation to open a highway (State Highway PA135) obstructed by landless workers.

4. These facts illustrate the serious scenes of violence and impunity in the Brazilian countryside, which have been dragging along for some years. According to statistics of the Pastoral Land Commission (CPT) of the Catholic Church, in 1985 there were 7,843 social conflicts in the country, with 4,866 conflicts occurring because of land problems. In the period 1985-1997, CPT registered 1,003 assassinations of rural workers, lawyers, technicians, union leaders and members of religious orders connected with the struggle for land. In the period from 1985 to 1996 there were 33 documented massacres with a total of 195 deaths. Since 1995, 140 rural workers have been assassinated in agrarian conflicts, and not one person has been found responsible and

punished. In 1995, there were 41 deaths, in 1996, 54, in 1997, 30, and as of May 1998, 15 more. Also, since 1995 violence has continued against indigenous peoples with 46 Indians assassinated.

Article 8 (prohibition of slavery)

5. The report, "Conflicts in the Brazilian Countryside - 1995", issued by the CPT indicates that in 1995 there were 21 cases of slave labour involving 26,047 persons. In 1996, the same annual report of the CPT indicated a decrease in the incidence of slave labour. Yet, 50 years after the adoption of the Universal Declaration of Human Rights, the existence of slave labour in the territory of Brazil still offends the conscience of humanity. According to the statistics of the CPT, in 1996 there were 19 cases of slavery involving 2,487 persons.

Article 14 (equality before the courts)

6. On 10 June 1997 in Pedro Canario, Espírito Santo State, rural worker and member of the Landless Movement (MST) José Rainha Junior was condemned to a prison sentence of 26 years and 6 months for supposedly participating in an occupation of land on 5 June 1989. The guilty verdict was based on declarations obtained under torture by the Military Police. Brazilian legislation requires that in cases in which a penalty exceeds 20 years every accused person shall have the right to a new trial.

7. After an intensive legal battle, the lawyers for the defence had succeeded in getting the first trial transferred to the state capital of Vitória. However, until now there has been no definite decision by State authorities about where the second trial will take place.

8. Amnesty International made a public statement in August 1997 concerning the imprisonment of members of the MST. In that statement, the organization affirmed that it would consider José Rainha Junior a prisoner of conscience if the guilty verdict was maintained by the second trial under similar circumstances, or if the plaintiff did not present objective proof with respect to the accusations in question. If José Rainha Junior is imprisoned, Amnesty International will insist on his immediate and unconditional release.

II. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Article 11 (right to an adequate standard of living)

9. Of the total population of Brazil, the richest 20 per cent had 32 times more income than the lowest 20 per cent during the period 1981-1993. In Brazil, it is estimated that 22 per cent of the population, or 32 million people, are starving.

10. In the Brazilian north-east, the drought that was predicted by many analysts did not receive the attention of the Brazilian Government, which did not believe that the predicted proportions would be reached. For that reason, the Government did not prepare for it. Estimates of the Brazilian Institute of Geography and Statistics (IBGE) have registered that, today, the drought is

affecting about 10 million persons. In some villages, each family has the right to only two buckets of water a month. Many families have been forced to eat palms (a type of cactus), one of the few foods left for the cattle. The drought also affects a good part of the camps and settlements that are the object of agrarian reform. In certain areas the entire crop has been lost. About 30,000 families of settlers are affiliated with the MST.

11. The situation of the landless workers in the camps is grave. The basic food allowance provided by the Federal Government to these families - which consists of a monthly allotment of foods indispensable to the human person, such as beans, rice, wheat flour, salt, etc. - has been cut off. Right now in Brazil, there are 57,301 families living in 299 camps. Of these 250,000 people, 150,000 are under 14 years of age.

IV. UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 17 (right to own property)

12. According to the statistics of the Federal Government of Brazil (ATLAS FUNDUIÁRIO 1992), 1 per cent of the Brazilian population owns 43 per cent of the agricultural land. According to the Food and Agriculture Organization of the United Nations (FAO) Brazil is the second-worst country in the world with regard to the distribution of land, losing only to Paraguay. The Gini index, which varies from 0.000 to 1.000 to determine the concentration of land, is 0.8278 for Brazil. In 1997, statistics showed that 477,105 people were directly involved in land conflicts.

13. The Brazilian Government has declared that, at the end of the present four-year administration, 300,000 landless families would be settled. In Brazil, there are 4 million families struggling for land. This means that, if the demand continues at the same rate, it will take 53 years to settle all the families.

V. RECOMMENDATIONS

14. Franciscans International and the Dominicans support the work and petitions of the Landless Movement of Brazil and urge the Brazilian Government:

(a) To strengthen the implementation of the Brazilian National Programme on Human Rights, giving priority to the changes regarding impunity;

(b) To take effective measures to ensure that the judiciary concludes, without delay, the numerous pending legal proceedings concerning the assassinations of rural workers and persons linked to them;

(c) To promote the immediate settlement of all landless rural workers and their families;

(d) To carry out an ample, massive and immediate agrarian reform;

(e) To maintain and support the grupo movel under the Secretary for Labour Standards (SEFIT) in its work against slave labour, by giving more resources and coordination, and also to coordinate the actions of the Regional Labour Delegations;

(f) To take effective measures to ensure that the legislature approves the law on slave labour;

(g) To improve the protection system for witnesses;

(h) To defend the rights of the indigenous peoples;

(i) To implement the International Covenant on Economic, Social and Cultural Rights regarding landless workers and indigenous peoples.